

AMENDED IN ASSEMBLY APRIL 30, 2001

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 803

Introduced by Assembly Member Maddox

February 22, 2001

~~An act to amend Section 404 of the Food and Agricultural Code and to amend Section 830.2 of the Penal Code, relating to peace officers, and making an appropriation therefor. An act to amend Section 830.12 of the Penal Code, relating to peace officers.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 803, as amended, Maddox. Peace officers: *public safety officials*.

Existing law provides that a certain category of persons designated by a local agency as a class of specified officers shall not be deemed to be peace officers, may not exercise the powers of arrest of peace officers, and shall not be authorized to carry or use firearms.

This bill would revise this provision to include in this class of officers any regular employee of a state or local agency designated by that agency as a public safety official and authorized to perform specified duties.

~~Existing law provides that specified persons are peace officers whose authority extends to any place in the state provided that the primary duty of the peace officers is the enforcement of the law, as specified.~~

~~This bill would accord the peace officer status provided pursuant to this provision to any officer or employee of the Department of Agriculture designated as a peace officer by the Secretary of the Department of Agriculture.~~

~~The Public Employees' Retirement Law provides increased benefits and higher contribution rates for peace officer members than those provided for state miscellaneous members. Member contributions are deposited in the Public Employees' Retirement Fund, a continuously appropriated special fund.~~

~~Because this bill would provide that certain officers or employees of the Department of Agriculture are peace officers, thereby including these employees within the category of peace officer members, it would make an appropriation by increasing the amount of employee contributions to the Public Employees' Retirement Fund.~~

Vote: majority. Appropriation: ~~yes~~ *no*. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 404 of the Food and Agricultural Code~~
 2 *SECTION 1. Section 830.12 of the Penal Code is amended to*
 3 *read:*

4 830.12. Notwithstanding any other provision of law, *the*
 5 *following persons designated by a local agency as litter control*
 6 *officers, vehicle abatement officers, registered sanitarians, and*
 7 *solid waste specialists, are not peace officers, may not exercise the*
 8 *powers of arrest of a peace officer, as specified in Section 836, and*
 9 *shall not be authorized to carry or use firearms within the scope and*
 10 *course of their employment. These :*

11 *(a) Persons designated by a local agency as litter control*
 12 *officers, vehicle abatement officers, and solid waste specialists.*
 13 *These persons may, however, be authorized by the governing*
 14 *board of the particular local agency to issue citations involving*
 15 *violations of laws relating to abandoned vehicles and littering.*

16 *(b) Any regular employee of a state or local agency designated*
 17 *by that agency as a public safety official who is vested with*
 18 *enforcement authority for health, safety, and welfare requirements*
 19 *and with authority to issue criminal citations and to file formal*
 20 *civil and criminal complaints. The primary duties of these persons*
 21 *include enforcement of state codes and regulations.*

22 ~~is amended to read:~~

23 ~~404. (a) The department shall execute the provisions of this~~
 24 ~~code, except as otherwise provided, and of other laws administered~~
 25 ~~by it.~~

1 ~~(b) The secretary may designate any officer or employee of the~~
2 ~~department as a peace officer. The primary duties of the peace~~
3 ~~officer shall be to enforce provisions of this code. The authority~~
4 ~~and powers of the peace officer shall be limited to those conferred~~
5 ~~by law upon peace officers listed in Section 830.2 of the Penal~~
6 ~~Code.~~

7 ~~SEC. 2.—Section 830.2 of the Penal Code is amended to read:~~

8 ~~830.2. The following persons are peace officers whose~~
9 ~~authority extends to any place in the state:~~

10 ~~(a) Any member of the Department of the California Highway~~
11 ~~Patrol including those members designated under subdivision (a)~~
12 ~~of Section 2250.1 of the Vehicle Code, provided that the primary~~
13 ~~duty of the peace officer is the enforcement of any law relating to~~
14 ~~the use or operation of vehicles upon the highways, or laws~~
15 ~~pertaining to the provision of police services for the protection of~~
16 ~~state officers, state properties, and the occupants of state~~
17 ~~properties, or both, as set forth in the Vehicle Code and~~
18 ~~Government Code.~~

19 ~~(b) A member of the University of California Police~~
20 ~~Department appointed pursuant to Section 92600 of the Education~~
21 ~~Code, provided that the primary duty of the peace officer shall be~~
22 ~~the enforcement of the law within the area specified in Section~~
23 ~~92600 of the Education Code.~~

24 ~~(c) A member of the California State University Police~~
25 ~~Departments appointed pursuant to Section 89560 of the~~
26 ~~Education Code, provided that the primary duty of the peace~~
27 ~~officer shall be the enforcement of the law within the area specified~~
28 ~~in Section 89560 of the Education Code.~~

29 ~~(d) (1) Any member of the Law Enforcement and~~
30 ~~Investigations Unit of the Department of Corrections, provided~~
31 ~~that the primary duties of the peace officer shall be the~~
32 ~~investigation or apprehension of parolees, parole violators, or~~
33 ~~escapees from state institutions, the transportation of those~~
34 ~~persons, and the coordination of those activities with other~~
35 ~~criminal justice agencies.~~

36 ~~(2) Any member of the Office of Internal Affairs of the~~
37 ~~Department of Corrections, provided that the primary duties shall~~
38 ~~be criminal investigations of Department of Corrections personnel~~
39 ~~and the coordination of those activities with other criminal justice~~
40 ~~agencies. For purposes of this subdivision the member of the~~

~~Office of Internal Affairs shall possess certification from the Commission on Peace Officer Standards and Training for investigators, or have completed training pursuant to Section 6126.1 of the Penal Code.~~

~~(e) Employees of the Department of Fish and Game designated by the director, provided that the primary duty of those peace officers shall be the enforcement of the law as set forth in Section 856 of the Fish and Game Code.~~

~~(f) Employees of the Department of Parks and Recreation designated by the director pursuant to Section 5008 of the Public Resources Code, provided that the primary duty of the peace officer shall be the enforcement of the law as set forth in Section 5008 of the Public Resources Code.~~

~~(g) The Director of Forestry and Fire Protection and employees or classes of employees of the Department of Forestry and Fire Protection designated by the director pursuant to Section 4156 of the Public Resources Code, provided that the primary duty of the peace officer shall be the enforcement of the law as that duty is set forth in Section 4156 of the Public Resources Code.~~

~~(h) Persons employed by the Department of Alcoholic Beverage Control for the enforcement of Division 9 (commencing with Section 23000) of the Business and Professions Code and designated by the Director of Alcoholic Beverage Control, provided that the primary duty of any of these peace officers shall be the enforcement of the laws relating to alcoholic beverages, as that duty is set forth in Section 25755 of the Business and Professions Code.~~

~~(i) Marshals and police appointed by the Board of Directors of the California Exposition and State Fair pursuant to Section 3332 of the Food and Agricultural Code, provided that the primary duty of the peace officers shall be the enforcement of the law as prescribed in that section.~~

~~(j) The Inspector General, pursuant to Section 6125, and the Chief Deputy Inspector General In Charge, the Senior Deputy Inspector General, the Deputy Inspector General, and those employees of the Inspector General as designated by the Inspector General, are peace officers, provided that the primary duty of these peace officers shall be conducting audits of investigatory practices and other audits, as well as conducting investigations, of the Department of Corrections, the Department of the Youth~~

1 ~~Authority, the Board of Prison Terms, the Youthful Offender~~
2 ~~Parole Board, or the Board of Corrections.~~

3 ~~(k) Employees of the Department of Food and Agriculture~~
4 ~~designated by the secretary pursuant to Section 404 of the Food~~
5 ~~and Agricultural Code, provided that the primary duty of the peace~~
6 ~~officer shall be the enforcement of the law as set forth in the Food~~
7 ~~and Agricultural Code.~~

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